IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

MISC. CIVIL APPLICATION NO. 131 OF 2006

Mrs. Meena Sameer Pendharkar ... Applicant

Versus

Sameer Chandrakant Pendharkar ... Respondent

Mr. R.A.Shaikh, Advocate, i/b. Mr.V.Z.Kankaria,Advocate for the applicant.

Nne for the respondent.

CORAM: J.H.BHATIA,J.

DATE: 28th November,2007.

P.C.

1. Heard learned Counsel for the applicant. None for the respondent, though served.

2. The applicant is the wife of the respondent. They have also a six year old daughter. As the relations between the husband and wife got strained, the applicant started living at Nashik. She has also filed an application for maintenance at Nashik. The

respondent filed a petition before the Family Court at Pune for custody of the daughter under the Guardianship and Wards Act. The applicant had also filed a complaint under Section 498A of I.P.C. with Gangapur Police station at Nasik but the investigation was taken over by the Police Station at Pune and that case is pending at Pune. According to the applicant, she is under mental stress and fear to attend that criminal case as well as the Family Court at Pune and, therefore, the petition for custody of the child may be transferred from Pune to Nasik. The respondent has not appeared to contest the same.

3. As per the provisions of Section 9 of the Guardians and Wards Act,1890, normally the petition for custody of the person of the minor shall be filed in the District Court where the child resides. According to the applicant, the minor child is living with her at Nasik.

4. Taking into consideration the circumstances, I find that it will be in the interest of justice and convenience to transfer the Petition (C) No.198 of 2006 pending before the Family Court at Pune. The said Petition hereby stands transferred to the Court of Civil Judge, Senior Division, Nasik.

(J.H.BHATIA,J.)